

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY AVILEZ-TRAMMELL,

Petitioner,

vs.

CLARK DUCART,

Respondent.

No. C 14-2308 JSW (PR)

ORDER OF TRANSFER

Petitioner is a state prisoner currently incarcerated at Pelican Bay State Prison. He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his conviction in Merced County Superior Court. A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Merced County lies within the venue of the Eastern District of California. *See* 28

1 U.S.C. § 84. Accordingly, this action is TRANSFERRED to the United States District
2 Court for the Eastern District of California. Ruling on the pending application for leave
3 to proceed in forma pauperis (docket number 2) is deferred to the Eastern District in light
4 of this transfer. The Clerk of the Court shall transfer this matter forthwith.

5 IT IS SO ORDERED.

6 DATED: June 17, 2014

7 
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY AVILEZ TRAMMELL,
Plaintiff,

Case Number: CV14-02308 JSW

CERTIFICATE OF SERVICE

v.


CLARK DUCART et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 17, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Avilez Trammell AH-4321
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: June 17, 2014


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk